

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH DANIELLE CLEMENTS,

Defendant.

Case No. CR-S-98-402-LDG (RJJ)

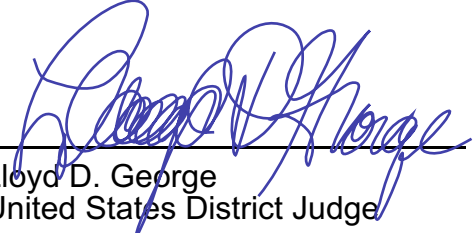
**ORDER**

Joseph Danielle Clements moves to vacate, set aside, or correct sentence (#140), and requests a telephonic hearing in connection with his motion (#139). The record establishes that Clements has previously filed two motions pursuant to 28 U.S.C. §2255. The Court denied the first motion on the merits. Both this Court and the Court of Appeals declined to issue a certificate of appealability. The Court denied the second motion as a second or successive §2255 motion filed without leave of the circuit court.

Clements must obtain leave of the Court of Appeals before filing a second or successive motion for relief pursuant to 28 U.S.C. §2255. As he has not obtained such leave,

1 THE COURT **ORDERS** that Joseph Danielle Clements' Motion to Vacate or Modify  
2 Sentence (#163) is DISMISSED;

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4 DATED this 3 day of September, 2010.

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7 Lloyd D. George  
8 United States District Judge  
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